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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDY CARTER,

Defendant.

Case No. 2:19-cr-093-RFB-EJY

**STIPULATION TO CONTINUE
RESPONSE TO MOTION TO
DISMISS OR ALTERNATIVELY
MOTION TO SUPPRESS
EVIDENCE (ECF 26)
(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by and between the United States hereby motions, by and between Nicholas A. Trutanich, United States Attorney, and Linda Mott, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Maggie Lambrose, Assistant Federal Public Defender, that the deadline of August 26, 2019, for the government to file its Response be extended for an additional day to August 27, 2019.

The Stipulation is entered into for the following reasons:

1. A Motion to Dismiss or Alternatively Motion to Suppress Evidence (ECF 26) was filed on August 12, 2019. Counsel for the government is investigating the

1 numerous claims that were raised in Defendant's motion, specifically the time at which
2 officers arrived on scene.

3 2. Counsel for the government requests the additional day to further investigate
4 the claims and, if so needed, bring any issues to the attention of supervisors.

5 3. The additional time requested herein is not sought for purposes of delay, but
6 to allow counsel for both the government and defense to prepare for any evidentiary
7 hearing, and to further discuss any possible resolution to the case.

8 4. The defendant is in custody and agrees to the additional one day.

9 5. Additionally, denial of this request for continuance could result in a
10 miscarriage of justice. The additional time requested by this Stipulation is excludable in
11 computing the time within which the trial herein must commence pursuant to the Speedy
12 Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the
13 factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).
14 In addition, the continuance sought is not for delay and the ends of justice are in fact served
15 by the granting of such continuance which outweigh the best interest of the public and the
16 defendant in a speedy trial.

17 6. This is the first stipulation to continue filed herein.

18 DATED this 26th day of August, 2019.

19 NICHOLAS A. TRUTANICH
20 United States Attorney

21 */s/ Margaret Lambrose*

/s/ Linda Mott

22 MARGARET LAMBROSE
Counsel for Defendant Randy Carter

23 LINDA MOTT
Assistant United States Attorney

1 trial, as well conduct an evidentiary hearing, taking into account the exercise of due
2 diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
4 United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United
5 States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6 **ORDER**

7 IT IS HEREBY ORDERED that the Government has until August 27, 2019, to
8 respond to the Motion to Suppress filed August 12, 2019. Counsel for the Defendant will
9 then have until September 3, 2019, to reply.

10 DATED: August 26, 2019.

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13 RICHARD F. BOULWARE, II
14 UNITED STATES DISTRICT JUDGE
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